

Customized PTO/SB/30 (09-04)

**REQUEST FOR  
CONTINUED EXAMINATION  
(RCE) Transmittal**

Application #	09/964,858
Confirmation #	2374
Filing Date	28 September 2001
First Inventor	HOSTETTER
Art Unit	1645
Examiner	Devi
Docket #	P07274US02/BAS

**This is a Request for Continued Examination under 37 CFR § 1.114 of the above-identified application.**  
RCE practice does not apply to any utility application filed prior to June 8, 1995, or to any design application.

**Submission required  
under 37 CFR § 1.114**

Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise (with a separate Request).

- ☐ **Previously submitted.** If a final Office action is outstanding, any amendments filed after the final Office action may be considered by the PTO as a submission even if this line is not checked.  
☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on  
☐ Other:

☒ **Enclosed**☒ Amendment/Reply☐ Affidavit(s)/Declaration(s)☐ Information Disclosure Citation☒ Other: Declaration under Rule 132 by Inventor HOSTETTER**Miscellaneous**

- ☐ **Suspension of action** on the above-identified application is requested under 37 CFR § 1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37CFR§ 1.17(i) required)  
☒ Other: Petition for Five-Month Extension of Time

**FEES**

calculated below (after reduction for an amendment if noted above).

- ☐ TOTAL CLAIMS  
☐ INDEPENDENT CLAIMS

☒ RCE fee required under 37 CFR § 1.17(e)

NOW	Basic/Previous Number	Present Extra	Rate
24	24 - 30	0	X \$ 50 =
3	3 - 4	0	X \$ 200 =

\$ 790 =

790

TOTAL OF ABOVE CALCULATIONS =

790

X Reduction by ½ for small entity status of applicant

395

☒ Extension of time fee

SUBTOTAL =

395

☐ Other fee for

+ \$ =

1080

+ \$ =

TOTAL OF ALL FEES = **\$1,475.00**

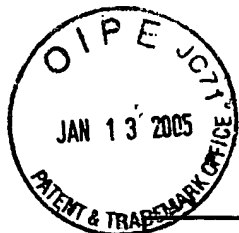
- ☒ Payment of \$ 1,475.00 is made by attached Credit Card Payment Form (PTO-2038)  
☒ The Commissioner is authorized to charge any fee, additional fee or extension fee due in connection herewith to Deposit Account No. 12-0555:  
(1) if no payment or an insufficient payment is enclosed and a fee is due in connection herewith; or  
(2) if no petition for extension of time is enclosed but an EOT is required - and in this event, applicant hereby petitions under 37 CFR 1.136(a) for an extension of time of as many months as are required to render this submission timely.

Date: 27 December 2004

By: B. Aaron Schulman

Registration No.: 31,877

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<b>REQUEST FOR RECONSIDERATION AND WITHDRAWAL OF HOLDING OF ABANDONMENT UNDER MPEP §711.03 – NO ABANDONMENT IN FACT</b>	Application #	09/964,858
	Confirmation #	2374
	Filing Date	28 September 2001
	First Inventor	HOSTETTER et al.
	Art Unit	1645
	Examiner	Devi
	Docket #	P07274US02/BAS

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

S I R:

A Notice of Abandonment for the above-identified application was mailed on December 30, 2004, which indicated that this application was abandoned by failure to respond to the Office Action mailed November 25, 2003. However, a Notice of Appeal was timely filed with the requisite extensions of time on May 25, 2004. Attached herewith is a copy of the response timely filed on May 25, 2004, together with a copy of the stamped receipt for this response showing timely filing.

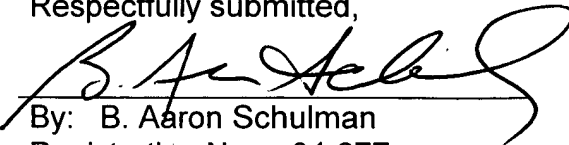
Applicants followed the filing of the Notice of Appeal with a Request for Continued Examination filed on December 27, 2004 with a response to the Official Action and the requisite extensions of time. Attached herewith is a copy of the response timely filed on December 27, 2004, together with a copy of the stamped receipt for this response showing timely filing.

Therefore, there was no abandonment in fact and the Notice of Abandonment was evidently mailed in error.

In view of the fact that there was no abandonment in fact, reconsideration and withdrawal of the holding of abandonment pursuant to MPEP §711.03 is requested. If any other action is required by Applicant to effect further prosecution, a telephone call to the undersigned counsel is requested as soon as possible.

Date: January 13, 2005

Respectfully submitted,

  
By: B. Aaron Schulman  
Registration No.: 31,877

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